

Notice of Allowability

Application No.

10/047,139

Examiner

Jorge L. Ortiz-Criado

Applicant(s)

IKEDA ET AL.

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/14/2005.
2. ☒ The allowed claim(s) is/are 1-3, 5-14 and 16-20, renumbered as 1-18 respectively.
3. ☒ The drawings filed on 15 January 0202 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

W. R. YOUNG
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph P. Fox on 07/11/2005.

2. The application has been amended as follows:

In the claims:

- a. In claim 1, in the last line of the claim, "generated.", has been replaced by the following:
"generated,
wherein said step (a) generates the state where the waveform interference from an adjacent track is easily generated by writing data on the adjacent track with a recording power greater than an optimum recording power with which data is recorded on the track at the tracking target position."
- b. In claim 10, last line of the claim, "generated.", has been replaced by the following"

Art Unit: 2655

“generated,

wherein said offset measurement control means generates the state where the waveform interference from an adjacent track is easily generated by writing data on the adjacent track with a recording power greater than an optimum recording power with which data is recorded on the track at the tracking target position.”

c. In claim 12, last line of the claim, “generated.”, has been replaced by the following”

“generated,

wherein said measuring section generates the state where the waveform interference from an adjacent track is easily generated by writing data on the adjacent track with a recording power greater than an optimum recording power with which data is recorded on the track at the tracking target position.”

d. Claims 21 and 22 have been canceled.

Allowable Subject Matter

3. Claims 1-3, 5-14 and 16-20 are allowed.

The following is an examiner’s statement of reasons for allowance:

The prior art made of record (Hayashi et al. U.S. Pat. No. 6,363,039) teaches a tracking control method and storage apparatus that performs (a) measuring an optimum offset by measuring a light beam irradiation state of a light beam while offsetting a tracking

Art Unit: 2655

target position of the light beam on a recording medium so that an optimum light beam irradiation state is obtained at the tracking target position; and (b) carrying out a tracking control by setting the optimum offset measured by said step(a), wherein said step (a) is carried out in a state where a waveform interference from an adjacent track that is adjacent to a track at the tracking target position is “easily” generated.

The prior art of record fails to teach or fairly suggest the feature of, wherein said step (a) generates the state where the waveform interference from an adjacent track is easily generated by writing data on the adjacent track with a recording power greater than an optimum recording power with which data is recorded on the track at the tracking target position.

The feature indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

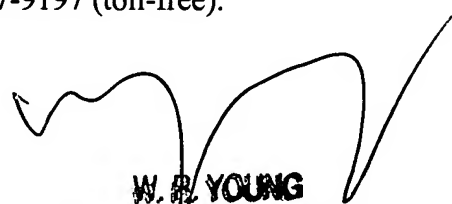
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

Art Unit: 2655

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne R. Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W. R. YOUNG
PRIMARY EXAMINER